

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

Banco Popular Dominicano, C. Por A.

V. DEFENDANT AND THIRD PARTY PLAINTIFF

Levi Strauss & Co.

### THIRD PARTY SUMMONS IN A CIVIL ACTION

Case Number: 07 Civ. 6443 (LTS) (THK)

V. THIRD PARTY DEFENDANT

U.S. Paper and Chemical

To: Name and address of Third Party Defendant

U.S. Paper and Chemical  
206 Mohican Road  
Canadensis, Pennsylvania 18325  
Attn: President

**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Mary Ellen Shuttleworth, Esq.  
HERRICK, FEINSTEIN LLP  
2 Park Avenue  
New York, NY 10016

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)

COOLEY GODWARD KRONISH LLP  
1114 Avenue of the Americas  
New York, NY 10036  
Attn: Ronald R. Sussman, Esq.  
(212) 479-6000

-and-

Attn: Robert L. Eisenbach III, Esq.  
101 California Street, 5th Floor  
San Francisco, CA 94111-5800

an answer to the third-party complaint which is served on you with this summons, within \_\_\_\_\_ days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**AUG 27 2007**

**J. MICHAEL McMAHON**

CLERK

DATE

(By) DEPUTY CLERK

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<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the third-party defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ <i>Signature of Server</i> _____</p> <p style="text-align: center; margin-top: 20px;">_____ <i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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## RETURN OF SERVICE

Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

September 5, 2007 4:15

NAME OF SERVER

Robert F. Harris

TITLE

Process server

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the third-party defendant. Place where served:
- ☐ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

- ☐ Returned unexecuted:

☒ Other (specify): Served Donna Brizard for US Paper & Chemical  
206 Mohican Road Canadensis PA. 18325  
white female, age 45, black hair, 160 lbs. 5'4"

## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

\$0.00

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

9/7/07

Executed on

Date

Signature of Server

Robert F. Harris

Robert F. Harris

Scranton PA.

Address of Server

NOTARIAL SEAL  
PATRICIA L M MONGIELLO  
Notary Public  
DUNMORE BOROUGH, LACKAWANNA COUNTY  
My Commission Expires Apr 1, 2010

Patricia L M  
Mongiello

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.